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Appl. No.: 10/711,100
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AMENDMENTS TO THE DRAWINGS:

There are no amendments to the drawings being presented herewith.

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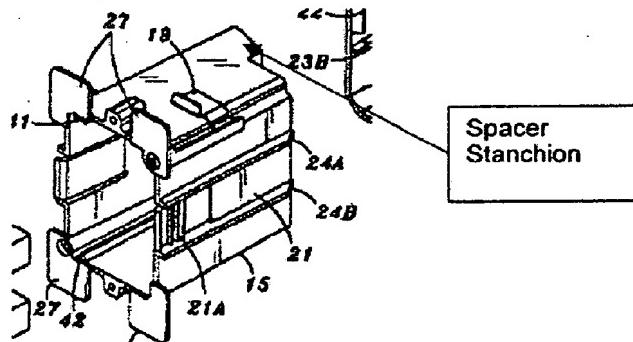
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REMARKS/ARGUMENTS

Claims 1 – 17 remain in this application. No amendments to the claims are being presented with this response.

Claims 1 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6533225 to Berges et al. in view of United States Patent No. 5542175 to Tsai. Specifically, the Examiner states:

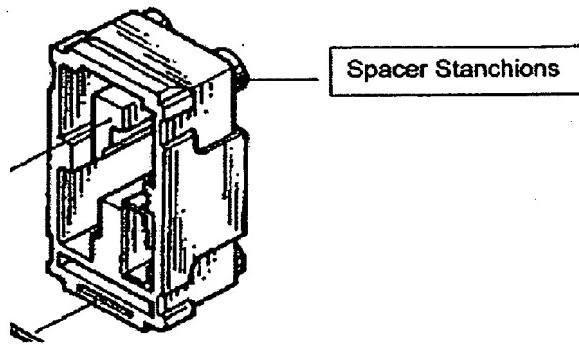
The patent to Berges discloses a device having a bin (21) having one closed end and open end and further having a top wall with a structural rib (24a), a bottom wall and two side walls having a mounting tab (27) located thereon, the tab having a bore therein, the rear end having a spacer stanchions (See Below) located thereon, the bin having an exterior dimension allowing mounting within an instrument panel opening designed for a larger than standard sized radio and further having interior dimension allowing mounting of a standard sized radio directly therein.



The patent to Berges et al. does not disclose a pair of spacer stanchions on the rear wall.

The patent to Tsai teaches a mounting device having a closed rear wall which has a pair of spacer stanchions thereon, the pair used as a design choice to space the rear wall from the desired device.

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Therefore it would have been obvious to one of ordinary skill in the art to have used a pair of spacer stanchions in order to have the rear wall spaced as desired by a design choice.

Applicant respectfully traverses this rejection. The key to Applicants' invention is a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Berges et al. (US 6,533,225) reference discloses a control housing (15) for wall mounting audio controls used in home electronics (see for example, Col. 1, lines 15 – 29). The control housing (15) may be mounted directly to the drywall wall substrate (see for example, Col. 3, lines 53 – 59) or it may be mounted within a second housing (13) mounted to a wall stud (see for example, Col. 3, lines 15 – 17). This second housing (13) is open backed comprising only two side walls and a top and bottom (see for example, Col 4, lines 17 – 26, and Figs. 4A – 4D). Thus, the Berges et al. reference teaches a combination of mateable housings; one suitable for new construction installations, and the other independently suitable for retrofit installations (see for example, Col. 4, lines 1 – 4). The control housing (15) is mounted flush to the outer surface of the drywall using four stop flanges and at least one retractable backside wall

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clamp when it is mounted by itself (see for example, Col. 3, lines 55 – 64). When mounted within the second housing (13) it is positioned flush to the dry wall outer surface by the four stop flanges and mounted to the second housing (13) using ridges on flexible fingers engaging with clamps in said second housing (13) (see for example, Col. 4, lines 27 – 42). This reference does not disclose, teach, or fairly suggest any stanchions at all. What the Examiner has determined to be a stanchion is in fact specifically taught by the reference to be the opening portion of the rear of the control housing (15) to allow passage of connection wiring through the control housing (15) back to the audio control mounted within (see for example, Col. 4, lines 42 – 46, and Fig. 5D). This reference specifically teaches that the control housing (15) is positioned by the stop flanges on the front of the control housing (15) not anything on the rear of the housing. Likewise, the second housing (13) does not have a back at all and is positioned by mounting against the side of a wall stud using one or more nails or screws. Said control housing (15) is positioned within this second housing (13) by the stop flanges butting up against the outer surface of the drywall just as in the installation without said second housing. Thus, like other electrical systems mounted in building walls the mounted devices are not positioned by butting against the inner surface of the outer wall by means of stanchions.

A fair reading of the Tsai (US 5,452,175) reference discloses a mounting plate (20) for mounting at least a pair of electrical outlets and/or switches (30 and 40 respectively) therein (see for example, Col. 2, line 25 – Col. 3, line 4). The reference further teaches the use of electrical buses mounted in said mounting plate (20) for easy electrical connection of the outlets (30) and switches (40) (see for example, Col. 2, lines 42 – 45). However, these outlets (30) and switches (40) are all of the same standard size and therefore no means of mounting different sized objects within the mounting plate (20) is disclosed, taught, or fairly suggested. Here the Examiner has lifted the housing of a switch (40) from Fig. 3 and determined that the wire connection ports (similar to those shown in the prior art switches 13 and 14, namely wire connection areas containing wire connection ports 131 and 141) are stanchions. However, since electrical outlets and switches mounted in building walls are surface mounted to the wall they are exposed through and not to the wall behind, or on the back end of the studding, stanchions on the rear of the electrical outlets (30) and switches (40) are not only not disclosed, taught, or

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fairly suggested, those skilled in this art would not contemplate them because they are of no use to these devices and their installation.

The Berges et al. (US 6,533,225) reference discloses how to mount audio controls into a building wall in a manner similar to electrical wiring outlets and switches wherein the wall has a opening which is sized to fit a single standard size control housing and there is no other sized housing to consider. This reference also discloses the front surface mounting of the control housing and is completely silent as to rear stanchions or their use because they are not used in the art related to wall mounted devices. The Tsai (US 5,452,175) reference discloses how to mount a plurality of electrical outlets and switches within a single mounting frame where the frame incorporates electrical buses to eliminate the need for intricate wiring connections between said outlets and switches. Again these devices are surface mounted to the building drywall and they are all of a single standard size. Thus, there is no teaching of how to mount different sized outlets within a single sized opening and there is no teaching of positioning using stanchions located on the rear of the devices as suggested by the Examiner because there is no mounting other than the drywall surface or the side of a stud. Furthermore, there is nothing contained in either reference that provides the necessary impetus to combine these references and furthermore, no necessary impetus to convert the teachings to use as mounting housings for vehicle radios.

Clearly, when viewed in this light the Berges et al. (US 6,533,225), Tsai (US 5,452,175) reference, and any combination thereof do not disclose, teach, or fairly suggest the radio bin spacer of Applicant's present invention.

Claims 2 – 7 and 11 – 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6533225 to Berges et al. in view of United States Patent No. 5542175 to Tsai and further in view of United States Patent No. 6330121 to Kobayashi et al. Specifically, the Examiner states:

Berges et al. and Tsai disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of plastic, polypropylene, thermoplastic olefins, butadiene and polycarbonate.

Kobayashi et al. teaches a mounting device for a optical device which is made of plastic, polypropylene, thermoplastic olefins, butadiene or polycarbonate (See Col.

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12 lines 24 – 29 for material), the materials used for their resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Kobayashi et al. to have made the device of these materials in order to have a resilient and strong device.

Applicant respectfully traverses this rejection. The key to Applicants' invention, as mentioned above, is a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Berges et al. (US 6,533,225) reference discloses, as mentioned above, a control housing (15) for wall mounting audio controls used in home electronics (see for example, Col. 1, lines 15 – 29). The control housing (15) may be mounted directly to the drywall wall substrate (see for example, Col. 3, lines 53 – 59) or it may be mounted within a second housing (13) mounted to a wall stud (see for example, Col. 3, lines 15 – 17). This second housing (13) is open backed comprising only two side walls and a top and bottom (see for example, Col 4, lines 17 – 26, and Figs. 4A – 4D). Thus, the Berges et al. reference teaches a combination of mateable housings; one suitable for new construction installations, and the other independently suitable for retrofit installations (see for example, Col. 4, lines 1 – 4). The control housing (15) is mounted flush to the outer surface of the drywall using four stop flanges and at least one retractable backside wall clamp when it is mounted by itself (see for example, Col. 3, lines 55 – 64). When mounted within the second housing (13) it is positioned flush to the dry wall outer surface by the four stop flanges and mounted to the second housing (13) using ridges on flexible fingers engaging with clamps in said second housing (13) (see for example, Col. 4, lines 27 – 42). This reference does not disclose, teach, or fairly suggest any stanchions at all. What the Examiner has determined to be a stanchion is in fact specifically taught by the reference to be the opening portion of the rear of the control housing (15) to allow passage of connection wiring through the control housing (15) back to the audio control mounted within (see for example, Col. 4, lines 42 – 46, and Fig. 5D).

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This reference specifically teaches that the control housing (15) is positioned by the stop flanges on the front of the control housing (15) not anything on the rear of the housing. Likewise, the second housing (13) does not have a back at all and is positioned by mounting against the side of a wall stud using one or more nails or screws. Said control housing (15) is positioned within this second housing (13) by the stop flanges butting up against the outer surface of the drywall just as in the installation without said second housing. Thus, like other electrical systems mounted in building walls the mounted devices are not positioned by butting against the inner surface of the outer wall by means of stanchions.

A fair reading of the Tsai (US 5,452,175) reference discloses, as mentioned above, is a mounting plate (20) for mounting at least a pair of electrical outlets and/or switches (30 and 40 respectively) therein (see for example, Col. 2, line 25 – Col. 3, line 4). The reference further teaches the use of electrical buses mounted in said mounting plate (20) for easy electrical connection of the outlets (30) and switches (40) (see for example, Col. 2, lines 42 – 45). However, these outlets (30) and switches (40) are all of the same standard size and therefore no means of mounting different sized objects within the mounting plate (20) is disclosed, taught, or fairly suggested. Here the Examiner has lifted the housing of a switch (40) from Fig. 3 and determined that the wire connection ports (similar to those shown in the prior art switches 13 and 14, namely wire connection areas containing wire connection ports 131 and 141) are stanchions. However, since electrical outlets and switches mounted in building walls are surface mounted to the wall they are exposed through and not to the wall behind, or on the back end of the studding, stanchions on the rear of the electrical outlets (30) and switches (40) are not only not disclosed, taught, or fairly suggested, those skilled in this art would not contemplate them because they are of no use to these devices and their installation.

The Berges et al. (US 6,533,225) reference discloses how to mount audio controls into a building wall in a manner similar to electrical wiring outlets and switches wherein the wall has a opening which is sized to fit a single standard size control housing and there is no other sized housing to consider. This reference also discloses the front surface mounting of the control housing and is completely silent as to rear stanchions or their use because they are not used in the art related to wall mounted devices. The Tsai (US 5,452,175) reference discloses how to mount a plurality of electrical outlets and switches

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within a single mounting frame where the frame incorporates electrical buses to eliminate the need for intricate wiring connections between said outlets and switches. Again these devices are surface mounted to the building drywall and they are all of a single standard size. Thus, there is no teaching of how to mount different sized outlets within a single sized opening and there is no teaching of positioning using stanchions located on the rear of the devices as suggested by the Examiner because there is no mounting other than the drywall surface or the side of a stud. Furthermore, there is nothing contained in either reference that provides the necessary impetus to combine these references and furthermore, no necessary impetus to convert the teachings to use as mounting housings for vehicle radios.

A fair reading of the Kobayashi et al. reference, as it applies to this rejection, discloses an optical prism display element support utilizing the elasticity of plastics, particularly of polypropylene, thermoplastic olefins, butadiene, and polycarbonates, to provide a means of locking the elements together instead of having to utilize separate fasteners (see for example, Col. 12, lines 18 – 29).

The Kobayashi et al. reference fails to provide any disclosure, teaching, or fair suggestion to one skilled in the art on how to adapt these plastics or their elastic properties for any purpose of the Berges et al. and Tsai references. There is simply nothing to suggest how to mount housings to walls in buildings. Thus, none of these references provide the necessary impetus suggesting such a combination as is required to allow such combination.

Clearly, when viewed in this light the Berges et al. reference, the Tsai reference, the Kobayashi et al. reference, and any combination thereof do not disclose, teach, or fairly suggest the radio bin spacer of Applicants' present invention.

Claims 8, 9, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6533225 to Berges et al. in view of United States Patent No. 5542175 to Tsai and further in view of United States Patent Publication No. 2005/0231954 to Czech. Specifically, the Examiner states:

Berges et al. and Tsai disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of aluminum and metal.

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Czech teaches a mounting device for a optical device which is made of aluminum metal (See page 2, paragraph 0023 for material), the material used for their strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Czech to have made the device of these materials in order to have a strong device.

Applicant respectfully traverses this rejection. The key to Applicants' invention is, as mentioned above, a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Berges et al. (US 6,533,225) reference discloses, as mentioned above, a control housing (15) for wall mounting audio controls used in home electronics (see for example, Col. 1, lines 15 – 29). The control housing (15) may be mounted directly to the drywall wall substrate (see for example, Col. 3, lines 53 – 59) or it may be mounted within a second housing (13) mounted to a wall stud (see for example, Col. 3, lines 15 – 17). This second housing (13) is open backed comprising only two side walls and a top and bottom (see for example, Col 4, lines 17 – 26, and Figs. 4A – 4D). Thus, the Berges et al. reference teaches a combination of mateable housings; one suitable for new construction installations, and the other independently suitable for retrofit installations (see for example, Col. 4, lines 1 – 4). The control housing (15) is mounted flush to the outer surface of the drywall using four stop flanges and at least one retractable backside wall clamp when it is mounted by itself (see for example, Col. 3, lines 55 – 64). When mounted within the second housing (13) it is positioned flush to the dry wall outer surface by the four stop flanges and mounted to the second housing (13) using ridges on flexible fingers engaging with clamps in said second housing (13) (see for example, Col. 4, lines 27 – 42). This reference does not disclose, teach, or fairly suggest any stanchions at all. What the Examiner has determined to be a stanchion is in fact specifically taught by the reference to be the opening portion of the rear of the control housing (15) to allow passage of connection wiring through the control housing (15) back

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to the audio control mounted within (see for example, Col. 4, lines 42 – 46, and Fig. 5D). This reference specifically teaches that the control housing (15) is positioned by the stop flanges on the front of the control housing (15) not anything on the rear of the housing. Likewise, the second housing (13) does not have a back at all and is positioned by mounting against the side of a wall stud using one or more nails or screws. Said control housing (15) is positioned within this second housing (13) by the stop flanges butting up against the outer surface of the drywall just as in the installation without said second housing. Thus, like other electrical systems mounted in building walls the mounted devices are not positioned by butting against the inner surface of the outer wall by means of stanchions.

A fair reading of the Tsai (US 5,452,175) reference discloses, as mentioned above, is a mounting plate (20) for mounting at least a pair of electrical outlets and/or switches (30 and 40 respectively) therein (see for example, Col. 2, line 25 – Col. 3, line 4). The reference further teaches the use of electrical buses mounted in said mounting plate (20) for easy electrical connection of the outlets (30) and switches (40) (see for example, Col. 2, lines 42 – 45). However, these outlets (30) and switches (40) are all of the same standard size and therefore no means of mounting different sized objects within the mounting plate (20) is disclosed, taught, or fairly suggested. Here the Examiner has lifted the housing of a switch (40) from Fig. 3 and determined that the wire connection ports (similar to those shown in the prior art switches 13 and 14, namely wire connection areas containing wire connection ports 131 and 141) are stanchions. However, since electrical outlets and switches mounted in building walls are surface mounted to the wall they are exposed through and not to the wall behind, or on the back end of the studding, stanchions on the rear of the electrical outlets (30) and switches (40) are not only not disclosed, taught, or fairly suggested, those skilled in this art would not contemplate them because they are of no use to these devices and their installation.

The Berges et al. (US 6,533,225) reference discloses how to mount audio controls into a building wall in a manner similar to electrical wiring outlets and switches wherein the wall has a opening which is sized to fit a single standard size control housing and there is no other sized housing to consider. This reference also discloses the front surface mounting of the control housing and is completely silent as to rear stanchions or their use because they are not used in the art related to wall mounted devices. The Tsai (US

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5,452,175) reference discloses how to mount a plurality of electrical outlets and switches within a single mounting frame where the frame incorporates electrical buses to eliminate the need for intricate wiring connections between said outlets and switches. Again these devices are surface mounted to the building drywall and they are all of a single standard size. Thus, there is no teaching of how to mount different sized outlets within a single sized opening and there is no teaching of positioning using stanchions located on the rear of the devices as suggested by the Examiner because there is no mounting other than the drywall surface or the side of a stud. Furthermore, there is nothing contained in either reference that provides the necessary impetus to combine these references and furthermore, no necessary impetus to convert the teachings to use as mounting housings for vehicle radios.

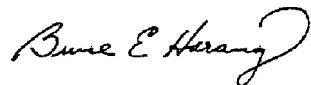
A fair reading of the Czech reference, as it pertains to this rejection, discloses the use of formable sheet metal to stamp and bend an intricate lighting fixture mounting device (see for example, page 2, paragraph 23) and not how to utilize cast metal fittings as a radio bin spacer or any other type of cast fitting. Thus, the Czech reference teaches a lighting fixture using stud mounting brackets (70) to mount the disclosed lighting fixture for use (see for example, page 2, paragraph 28, and Figs. 1, 2, and 4). The fact that the device disclosed in the Czech reference comprises aluminum metal as its composition does not create the necessary impetus to suggest to one skilled in the art how to modify a stud mounting system of a single sized industry standard device housing to provide for mounting a smaller sized device in the industry standard sized opening. Nor do any of these references even address the pertinent art area of mounting components in a vehicle instrument panel.

Clearly, when viewed in this light the Berges et al. reference, the Tsai reference, the Czech reference, and any combination thereof do not disclose, teach, or fairly suggest the radio bin spacer of Applicants' present invention.

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In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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